

NOV 26 2003

OFFICIAL
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Musach, Mistry and Sarge
Application No.:	09/892048
Filed:	June 26, 2001
For:	Balloon With Radiopaque Markers for Stent Delivery System
Examiner:	Mr. Frank A. Musach
Group Art Unit:	3763
Firm Docket No.:	S63.2B-9764-US01

DATE: November 26, 2003TIME: 9:30

FACSIMILE NO.: 1-703-872-9302

TOTAL NUMBER OF PAGES (including transmittal letter): 4

FACSIMILE TRANSMITTAL LETTER

Following please find a(n) 3 page Amendment ; and 1 page Facsimile Transmittal Letter.

With respect to fees: ☒ No additional fee is believed to be required
☐ Charge ** fee to our Deposit Account No. 22-0350

Conditional Petition

If any extension of time for the accompanying response is required or if a petition for any other matter is required, applicant requests that this be considered a petition therefore.

If any additional fees associated with this communication are required and have not otherwise been paid, please charge the additional fees to Deposit Account No. 22-0350. Please credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,
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Julie Emerson

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#15/85
11/22/03

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In re Application of:	Musach, Mistry and Sarge
Application No.:	09/892048
Filed:	June 26, 2001
For:	Balloon With Radiopaque Markers for Stent Delivery System
Examiner:	Kathryn L. Thompson
Group Art Unit:	3763

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2B-9764-US01

Letter Response

This Amendment is in response to the Office Action dated August 26, 2003.

If an extension of time is required to make this response timely and no separate petition is enclosed, Applicant hereby petitions for an extension of time sufficient to make the response timely. In the event that this response requires the payment of government fees and payment is not enclosed, please charge Deposit Account No. 22-0350.

Remarks

This letter is in response to the Office Action dated August 26, 2003. In the office action, claims 1, 3-5 and 7 were rejected under §112, 1st paragraph; claims 1, 3-5 were rejected under §102(b) as being anticipated by Fischell US 5792144 and claim 7 was rejected as obvious over Fischell in view of Cioanta (US2002/0082610).

§112 Rejection

The Examiner indicated on page 2 of the latest office action that applicant does not disclose in the specification or the claims that the balloon is made from a radiopaque material, but indicates that applicant discloses that a radiopaque material is sprayed onto the